



August 31, 2006

Mr. Parker Wheeler
Chairman, Cumberland County Planning Commission
Cumberland, Virginia 23040

**Re: Responses to general Planning Commission questions
CCDC, LLC M-2 CUP Rezoning & CUP Application
OLD, LLC M-2C Conditional Rezoning Application
OLD, LLC A-2 CUP Application**

Dear Chairman:

Attached you will find responses to various questions provided to Allied by your staff. The questions range in topics and cover all three outstanding zoning applications as referenced above. We recognize that there may be more questions forthcoming from the Planning Commission and we will do our very best to respond both timely and accurately.

As you know, landfill design, siting and operations are highly regulated by the Virginia Department of Environmental Quality ("VDEQ"). The VDEQ permitting process is an open, public process that reviews in detail all technical aspects of a landfill. It is our understanding that representatives of the VDEQ will be in attendance at your next meeting, and will no doubt explain their involvement in detail.

Should you or any member of the Commission have any additional questions prior to the September 6th meeting, please do not hesitate to contact me at your first convenience at 803.802.6733.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ted Neura', with a long horizontal line extending to the right.

Ted Neura
Project Development Manager
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Cumberland Landfill – Response to General Questions regarding OLD, LLC A-2 CUP; OLD, LLC M-2C; CCDC, LLC M-2 CUP Applications

Host Community Agreement

1. What does the Host Community Agreement provide in terms of adjustments for inflation, community contributions, tipping fees, etc.?

The \$2.10 per ton Host Fee paid to the County increases every year of operation by 2% or the Consumer Price index (CPI), whichever is greater (page 22, Section 10). The 16,000 tons per year of free waste tipping by the County increases every year of operation by 2% (page 14, Section 4). The following benefits are adjusted annually by the CPI: \$5,000 per year for the Keep Cumberland Clean Day fund (page 17, Section 6); \$130,000 per year for Convenience Center employment (page 18, Section 7); \$25,000 for Final Use Plan (page 19, Section 9); \$25,000 per year Closure Fund (page 20, Section 9); \$100,000 per year for County Inspectors (page 27, Section 16); \$10,000 per year College Scholarship Fund (page 27, Section 17); and \$15,000 per year Fire and Rescue Donation (page 27, Section 18).

2. What locations are specified in the Host Community Agreement as those from which Allied will accept waste for disposal at Cumberland Landfill?

Virginia, Washington, D.C., Maryland and, with Board approval, North Carolina. This restricted area is allowed and enforceable when offered by agreement between a private company and a municipality.

3. What is required of Cumberland County to "actively support" Allied's development efforts?

For example, the County needs to provide timely responses to any requests for information from the VDEQ when and if the contingencies contained in the Host Community Agreement are met. If zoning is approved, the County would be required to respond to the VDEQ's request for confirmation of Host Community Agreement compliance for the site.

Assurances Guarantees & Insurance

1. What guarantees does the County have that its financial rewards will be realized under any and all circumstances?

The County has the right to enforce the terms of the Host Community Agreement against Allied in regard to any breach, to include the collection of liquidated damages and attorneys' fees (page 50, Sections 36 and 37), and enforcement actions are subject exclusively to Virginia law and must be heard in the Courts of Cumberland County (page 50, Section 35).

Cumberland Landfill:

Questions Involving Allied's

OLD, LLC, A-2 CUP; OLD, LLC M-2C; CCDC, LLC M-2 CUP Zoning applications

2. Who is going to insure Cumberland Landfill and what assurances do we have that the county will not be burdened with issues for which it should not ever be responsible?

Allied will select either an insurance agreement or a bank financed bond as required by the VDEQ financial assurances regulations, but in any event such an assurance provider will meet the terms and conditions of the Host Community Agreement (page 48, Section 32). The insurance and/or bonds mandated by VDEQ reflect an amount equal to or greater than the cost of closure, post-closure and monitoring operations that would exist if a landfill permit holder were to cease operations while being insolvent.

3. What are the different types of insurance that Allied will carry?

Allied will have all types of insurance (ex. unemployment insurance) as required by State and Federal Law, and by the Host Community Agreement (page 48, Section 32). In addition, Allied will have in place all financial assurance requirements as dictated by the VDEQ.

4. What is the success rate of new landfills and have any been closed because of poor design or operation?

Almost all closures of modern, Subtitle D landfills have been due to either (a) economic reasons, as smaller communities recognize that such facilities cannot be economically operated at small volumes, or (b) space restrictions, where all usable landfill cell space has been filled and no further expansion is possible.

5. If there is a problem, who fixes it and with what money?

CCDC and Allied, at their cost, are required to resolve any breach of contract with the County, as well as any violation of VDEQ regulations at the Facility.

Property Value Protection

1. Why is the property value protection plan so (apparently) limited in its scope?

Due to the large total acreage acquired by Allied in order to buffer the landfill from its neighbors, the radius of the plan has been designed to cover those residences that may be affected by the landfill. Extensive buffer requirements, operating restrictions together with all of the protection provided by the Host Community Agreement and the VDEQ permitting process largely mitigate any material impact on nearby residences.

2. What has happened to land values in counties that have opened new landfills, and specifically the entire counties, not just land adjacent to the facilities?

The affects of new landfills on nearby residential property values cannot be easily generalized. One must consider macro and micro economic drivers as well as buffer requirements, host community agreement terms, property protection programs (or the lack thereof) as well as local, state and federal permit restrictions. Locally, it is interesting to note that in both Chesterfield and Henrico Counties, subdivisions containing high end housing have been developed around both the Shoesmith landfill and the Henrico County Springfield Road landfill.

Cumberland Landfill:
Questions Involving Allied's
OLD, LLC, A-2 CUP; OLD, LLC M-2C; CCDC, LLC M-2 CUP Zoning applications

Allied

1. What is the relationship between Allied, Cumberland County Development Company, and Obscurity Land Development?

Cumberland Development Company and Obscurity Land Development are both wholly owned subsidiaries of Allied.

2. What is Allied's financial status?

Allied is in good financial condition and is rated B2 by Moody's and BB by Standard & Poors. Its latest Form 10-K SEC financial disclosures are available at the Planning Office.

3. What is Allied's record of performance in the waste disposal facilities that it has built?

Allied maintains an exemplary record of performance at facilities built by the company. Any violations are dealt with immediately as mandated by Allied's internal policies as well as by federal, state and local laws and regulations. This can be verified by reviewing records on file with the VDEQ in regard to Virginia facilities.

4. How has the company performed when called upon to fix any problems that may have occurred at its waste disposal facilities?

See answer to 3 above.

5. Who is on the board of Obscurity Land Development, LLC?

Employees of Allied.

6. Who is on the board of Cumberland County Development Corp, LLC?

Employees of Allied.

7. What is the contract between CCDC and OLD? Please provide a copy.

There is no contract between CCDC and OLD. Both are wholly owned subsidiaries of Allied.

Traffic

1. What is an itinerary and timeline for a typical waste hauler traveling within the County, on each of the three proposed routes and on the landfill property itself?

As required by the Host Community Agreement, waste haulers are required to use designated routes. It is estimated that 85 to 95% of the anticipated truck traffic will be accessing the Facility from the east along U.S. Route 60. 5 to 15% of the anticipated truck traffic will be accessing the Facility from the west, and will include mostly local haulers serving the Farmville and Cartersville areas. The vast majority of waste haulers will be arriving at the Facility during the normal working hours (i.e., 5:30 a.m. until 5:30 p.m.). Vehicles arriving before or after the normal working hours will be staged at the

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trucking terminal. The trucking terminal is key to normalizing traffic flow during peak traffic hours along U.S. Route 60.

2. What is the projected number of trucks and associated traffic entering the County at each stage of landfill development and the percentages on each route?

Initially, the average daily traffic volume is expected to range from 100 to 150 trucks accessing the facility. Over time, the average daily truck volume is expected to increase consistent with the Host Community Agreement to 225 to 275 trucks accessing the Facility.

3. What safety measures can be implemented to protect citizens commuting to jobs outside the County while also preserving the peace and tranquility of citizens that may be affected by the traffic?

As part of the required Virginia Department of Transportation (VDOT) traffic study, Allied is evaluating the current level of service and the expected level of service associated with the proposed development and future growth in the area. Based on preliminary traffic study data, the existing road infrastructure is adequate to support the additional traffic. It is also anticipated that the VDOT may require some roadway modifications in the vicinity of the proposed new intersection. These improvements, which may include left and right turning lanes, coupled with the proposed truck staging area, will minimize future traffic impacts and safety concerns.

4. How many trucks will be entering and leaving the facility each day?

See response to number 2 above.

5. How many trucks will be allowed on Route 45 between Routes 6 and 60?

Currently, Allied anticipates limited tractor trailer volume on State Route 45 between State Route 6 and U.S. Route 60 accessing the landfill. The waste collection activities that will occur in the area will be serving area residents and businesses.

6. How many, if any, trucks will be allowed to use Route 60 when school buses are operating?

It is currently estimated that 10 to 25 tractor trailers per day will be accessing the landfill from the west on U.S. Route 60, over a 10 to 12 hour operating day.

7. What does the company mean when it states that it will educate non CCDC drivers regarding the roads?

Any customer accessing the landfill via trucks not controlled by Allied will be informed of the designated truck routes. Allied will provide all drivers, including independent contract haulers, with a notice of designated route restrictions. Per Section 3 (h) of the Host Community Agreement, Allied will deny violators further access to the Facility until compliance is achieved.

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8. Will a traffic light be required at the new landfill road intersection?

It is not anticipated that a traffic signal will be required. Based on the preliminary traffic study, it is anticipated that the VDOT may require some improvements at the proposed new intersection. Subject to completion of the final traffic study and subsequent VDOT approvals, Allied is evaluating whether a traffic light would be needed. There are very specific conditions that indicate the necessity of a signal, and these will be reviewed in the final traffic study..

Page County

1. How is this proposal different from Page County?

The two projects are substantially different. Of particular importance to Cumberland is the fact that with Page County, it both owned the Battlefield Creek facility and held the landfill permit in its name. In Cumberland, Allied owns the land and will hold the permit. Accordingly, Allied has to shoulder all liability and financial responsibility.

2. What happened in Page County and how will Allied's operations in Cumberland County be different?

Page County made a decision to contract with a company that did not own or operate one single landfill. The results were not surprising to industry experts, though being a Subtitle D landfill there was no resulting environmental damage. Allied operates over 165 landfills and has a nationwide track record of compliance with both government regulations and Host Community Agreement requirements.

Environmental Protection

1. What level of odor should we expect from this facility and how will it be controlled? Please provide examples of odor levels that we can expect.

Landfill gas is a result of decomposition of organic waste. The amount of landfill gas generated is a function of various factors such as the age of the waste, amount of waste in place, type of waste, and moisture content. Landfill gas emissions are contained and controlled using both an active landfill gas collection and control system, and proper operation.

2. How will methane (or more appropriately, landfill gas) be controlled?

As stated above, landfill gas will be contained and controlled by both an active gas collection and control system and proper operation. .

Cumberland Landfill:

Questions Involving Allied's

OLD, LLC, A-2 CUP; OLD, LLC M-2C; CCDC, LLC M-2 CUP Zoning applications

3. What is Allied doing to keep noise under control?

Noise generated at the Facility will be monitored and regulated pursuant to the terms set forth in the Host Community Agreement, which include provisions for the regular measurement of noise levels in and around the Facility. Natural barriers such as the existing topography and the vegetative buffer will serve to dampen noise from operational activities. In addition, equipment designated for operations will be equipped with mufflers or other sound dissipative devices.

4. What can you tell us about groundwater monitoring and what testing results are available to the public?

A modern landfill consists of several quality assurance programs, including the mandatory monitoring of groundwater, surface water, air quality and operations. As part of these monitoring requirements, Allied must, by law, install and maintain a network of wells that facilitate the accurate monitoring of groundwater quality. Results from monitoring and reporting activities will be available to county officials and to state and local agencies. Quality assurance of all groundwater monitoring activities will be implemented by independent third-party groundwater professionals.

5. Who is responsible for monitoring the facility once it is closed?

Allied/CCDC is responsible for monitoring the facility after it is closed and, as a requirement of obtaining an operating permit, must demonstrate financial assurance for all closure activities including monitoring.

6. What incidences, if any, have been documented that show an increase in illnesses of any kind associated with successful landfills?

Allied is not aware of any properly controlled study exclusively featuring the health affects of modern lined landfills that are compliant with Subtitle D and other current regulations on nearby residents.

7. Opponents claim that cancer and other environmentally-related illnesses have increased in and around landfills. What is the veracity of these claims?

See response above. Most of these claims, whether substantiated or not, involve illegal hazardous waste dumps and/or Superfund sites, not Subtitle D facilities.

8. Will Cumberland Landfill accept sewer sludge? If no, why is that a good thing?

Per the Host Community Agreement, the landfill will not accept municipal sewage sludge. Odor problems are often times attributed to significant volumes of untreated municipal sewer sludge.

9. Under the random inspection provisions, how many trucks will have their loads inspected and with what degree of frequency?

Incoming waste will be observed to verify that it is acceptable in content and origin. Accurate and up to date records will be maintained of all waste accepted and all landfill operations. Allied will comply with the State-mandated criteria of inspecting a minimum of 10% of all loads generated from out-of-State.

10. What are "vectors" and how will they be controlled?

Vectors historically associated with landfills, such as birds and rodents, are typically not a problem at a properly operated sanitary landfill. Daily cover and other operating practices prevent vectors from accessing the buried waste for nesting places or food sources.

11. How will leachate be controlled?

Modern landfills have a composite liner system that includes a horizontal drainage layer or leachate collection system. This drainage system is sloped toward a sump where leachate is removed from the bottom of the landfill, stored in tanks on site for proper offsite treatment and disposal, or recirculated back into the landfill to promote degradation of waste.

12. How will Allied stop runoff from getting into Maxey Mill Creek?

An extensive surface water management system will be designed, constructed, and implemented throughout the active life and post-closure phases of the landfill. Effective implementation of a VDEQ approved storm water management system will ensure protection of Maxey Mill Creek. The system will be monitored by Allied and the VDEQ through its VPDES permitting program.

13. What is the VDEQ review process?

The siting, design, and permitting of a landfill are governed by federal, state, and local statutes, ordinances and regulations. The Virginia Department of Environmental Quality (VDEQ), which has been authorized by the United States Environmental Protection Agency (EPA), has developed standards to protect human health and the environment. These standards were promulgated by Chapter 80 of Virginia's Solid Waste Management regulations ("VSWMR"). A complete list of applicable regulations may be obtained from VDEQ's website. In order to obtain a VDEQ permit, disposal facilities must meet stringent requirements for siting, design, operation, groundwater monitoring, financial assurance, closure and post-closure. To that end, a preliminary site suitability study was performed by the applicant prior to the submittal of the zoning application. The preliminary siting study concluded that the selected site is suitable for consideration as a solid waste disposal facility.

VDEQ's permit application process is generally considered a two part process. The Part A permit module addresses site suitability requirements and includes a detailed hydrogeologic and geotechnical evaluation. The Part B permit module includes preparation of the detailed design documents by the applicant's engineer, VDEQ's review and preparation of the draft permit, and then a public notice and comment period.

Zoning – General (A-2 CUP Application)

1. Why is it necessary to include Maxey Mill Creek within the CUP boundaries of the borrow area?

The boundary of the proposed borrow area was established after consultation with County officials and Planning Department staff. Originally, the applicant proposed to have the southern boundary line located north of Maxey Mill Creek. Upon request, the applicant adjusted the line so that there would be a common boundary line separating the proposed borrow area from the proposed landfill area. Soil disturbance activities in proximity to Maxey Mill Creek are not anticipated except as necessary to comply with stream or wetland mitigation efforts that may be required by the Corps of Engineers and the VDEQ. With this exception, the applicant will maintain an adequate buffer and water quality protection measures between the borrow area and Maxey Mill Creek.

Zoning – General (M-2C Application)

1. How far will the useable portion of the rezoned parcel be from the Woods subdivision?

The nearest residence of the Woods subdivision will be approximately 3,000 feet from the useable portions of the M-2C rezoned areas. The total area which is the subject of this rezoning request is approximately 127 acres. As shown on Figures 2 and 3 of the Conditional Rezoning Application, there will remain a sizeable portion of agriculturally zoned land between the Woods subdivision and the area proposed to be rezoned. As a result, residents of the Woods can be assured that no industrial activity will be occurring immediately adjacent to their properties.

2. How far will Allied's private road sit from property in the Woods subdivision?

On average, residences within the Woods subdivision will be approximately 1,000 feet from the centerline of the proposed access road, which is about the same distance from the middle of the Woods subdivision to U.S. Route 60. The proposed landfill entrance is approximately 1.1 mile from the southern most residence in the Woods subdivision. Furthermore, the landfill itself will be located approximately 1.5 miles south of Route 60 and far removed from the Woods subdivision.

3. How far will the staging area be from Woods subdivision?

The trucking terminal and staging yard will aid the County and facility in effectively managing traffic flow to and from the site. The staging area is approximately 3,000 feet from the southern most boundary of the Woods subdivision.

4. How much road frontage does the company have?

When considering Parcels 52-A-2, 52-A-26 and 51-A-16, the applicant will own property having a total of approximately 3,900 feet of frontage along the southern boundary of Route 60. When considering only Parcel 52-A-2 which is located west of the Woods, the applicant will have approximately 2,300 feet of frontage.

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5. What will be left after Allied's road is built?

Allied will maintain the property along the access road as a buffer unless and until a separate rezoning and plan of development is submitted to the County. As with any real estate in the County, its use will be subject to County approval.

6. Will the fleet management company truly be independent or will it operate as a division of Allied?

Allied typically contracts fleet services to an independent or third party; however, it is possible that the trucking facility could operate as a division of Allied.

7. Are trucks allowed to arrive at the landfill at all hours of the night and day to park and wait if facility operations are closed?

Those trucks arriving after normal landfill hours, which would otherwise be required to return to the County roads, are able to park and wait at the staging facility until the landfill opens the following day or, when leaving the landfill, could wait until peak traffic flows dissipate. This also reduces the number of trucks traveling to the site during morning peak hours.

Zoning – General (M-2 CUP)

1. What is the approximate location of the landfill site?

The landfill will be located about 6 miles east of the Cumberland County courthouse and South of U.S. Route 60. A new road is proposed for this location and the landfill entrance will be approximately 1.5 miles south of Route 60 and will only be accessible via Route 60.

2. What is the projected (and ultimate) size of the waste disposal area and the site as a whole?

The waste disposal area of the landfill will comprise approximately 250 acres, which is less than almost half of the area being rezoned as M-2 CUP. The remaining acreage of the site will be used for ancillary services and as buffer to surrounding properties.

3. Although the landfill is limited initially to approximately 250 acres, what's to keep the company from expanding it in the future?

The combination of the zoning area requested, the Host Community Agreement, and the setback requirements in the VSWMR generally restrict the size of the landfill and limit it to approximately 250 acres.

General

1. What are the parameters of the buffer area?

Allied subsidiaries have acquired, or will be requiring, approximately 1,217 acres in connection with this project. Of this total acreage, approximately 330 acres are not the subject of any rezoning or conditional use permit application and will remain in their current zoning classification. Any changes to the use of this property from its current forest land status will have to go through a separate rezoning and plan of development process.

2. How much property is Allied purchasing and what will happen to those areas that are not part of the actual landfill operations?

Allied is purchasing approximately 1,200 acres of land in the vicinity of the site and thereby is providing a well isolated landfill site. Areas outside of the landfill disposal footprint but within the M-2 CUP footprint will be utilized for locating ancillary facilities such as energy recovery, liquids management, scale house and weigh scales, recycling facility, storm water management, stream and wetlands mitigation, and for buffer. Activities conducted in these areas would exclude placement of waste.

3. Which engineering firm will build the facility and what is its history?

Allied is currently utilizing the consulting firm of Brown and Caldwell (BC). BC is a nationally recognized engineering firm with over 60 offices and 1500 employees. BC started in 1958 and currently specializes in all facets of environmental engineering, including permitting, design and construction of municipal solid waste landfills. Staff from BC's offices in the region will assist Allied with the design and construction of the Facility. BC staff are well qualified in the relevant engineering disciplines such as civil and environmental, geotechnical and geologic; groundwater modeling, geologist, hydrogeologists; and the various natural sciences needed to perform the job.

4. Can you provide a breakdown of the entire collective acreage that will be part of this project?

OLD M-2C Area = 127 Acres

OLD A-2 CUP Area = 200 Acres

CCDC M-2 CUP Area = 557 Acres

OLD/CCDC Area not subject to rezoning = 330 Acres

Total Area Owned by Allied = 1214 Acres